

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 COUNTY OF SACRAMENTO
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11
12 **CHARLES MUNGER, JR.,**

13
14 Petitioner,

15 v.

16 **DEBRA BOWEN, in her official capacity as**
17 **California Secretary of State,**

18 Respondent,

19 **KEVIN HANNAH, in his official capacity as**
20 **Acting State Printer, DANIEL H.**
21 **LOWENSTEIN, CARL POPE, HANK**
22 **LACAYO, AUBRY L. STONE, MARK**
23 **MURRAY,**

24 Real Parties in Interest.

Case No. 34-2010-80000615

~~PROPOSED~~ JUDGMENT

PROPOSITIONS 20 & 27

Date: August 6, 2010

Time: 10:00 a.m.

Dept: 19

Judge: The Honorable Patrick Marlette

Action Filed: July 29, 2010

25 The petition for peremptory writ of mandate of petitioner Charles Munger, Jr., came on for
26 hearing on August 6, 2010, at 10:00 a.m., in Department 19 of this Court, the Honorable Patrick
27 Marlette presiding. Marguerite Mary Leoni and Christopher E. Skinnell appeared for petitioner
28 Charles Munger, Jr. Fredric Woocher appeared for real parties Daniel H. Lowenstein, Carl Pope,

1 Hank Lacayo, Aubry L. Stone, and Mark Murray. George Waters appeared for respondent
2 Secretary of State Debra Bowen and for Acting State Printer Kevin Hannah.

3 Having considered the parties' written and oral arguments, declarations and exhibits, and
4 good cause appearing,

5 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

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7 ____ The Petition for Peremptory Writ of Mandate is denied.

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9 X The Petition for Peremptory Writ of Mandate is granted in part and denied in part, as
10 follows:

11 X Respondent is directed to revise the Argument Against Proposition 20 to
12 conform with the attached Exhibit A.

13 X Respondent is directed to revise the Argument In Favor of Proposition 27
14 to conform with the attached Exhibit B.

15 X Respondent is directed to revise the Rebuttal to Argument Against
16 Proposition 27 to conform with the attached Exhibit C.

17 Respondent is further directed to make the revised text available for public
18 examination until August 9, 2010, the end of the public display period. Thereafter, if
19 no court-ordered changes are made to the revised text, respondent is directed to
20 forward the revised text to Real Party Kevin Hannah for inclusion in the November
21 2010 ballot pamphlet.

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23 ____ The Petition for Peremptory Writ of Mandate is granted in its entirety. Respondent is
24 directed to revise the Argument Against Proposition 20, the Argument In Favor of
25 Proposition 27, and the Rebuttal to Argument Against Proposition 27, to conform
26 with the attached Exhibits A, B, and C, respectively. Respondent is further directed
27 to make the revised text available for public examination until August 9, 2010, the
28 end of the public display period. Thereafter, if no court-ordered changes are made to

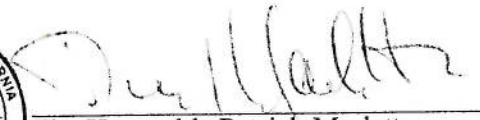
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the revised text, respondent is directed to forward the revised text to Real Party Kevin Hannah for inclusion in the November 2010 ballot pamphlet.

Each party is to bear his or her own costs.

Dated: August 6, 2010




The Honorable Patrick Marlette
Judge of the Superior court

ARGUMENT AGAINST PROP 20

NO ON 20 – it wastes taxpayer dollars and it turns back the clock on redistricting law.

Proposition 20 is a disaster ... it must be defeated.

NO ON PROPOSITION 20 – IT WASTES TAXPAYER DOLLARS:

20 is the brainchild of Charles Munger, Jr. – son of multi-billionaire Wall Street tycoon Charles Munger. MUNGER JUNIOR IS THE SOLE BANK-ROLLER OF 20. (Well, four other contributors have given all of \$700.) But just for its qualification, MUNGER GAVE \$3.3 MILLION, a figure that will probably multiply many times by Election Day.

But if Proposition 20 passes, the taxpayers will start paying the bills instead of Munger Junior.

Prop 20 will cost us millions of dollars. Compare Prop 20 with its rival, Prop 27.

non-partisan experts have concluded that YES ON PROP 27
First, ~~read the ballot to see what the non-partisan experts say about Prop 27.~~ Saves taxpayer dollars.

"Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local government: LIKELY DECREASE IN STATE REDISTRICTING COSTS TOTALING SEVERAL MILLION DOLLARS EVERY TEN YEARS."

Second, Prop 20 adds to the cascade of waste that Prop 27 would avoid. Governor

Schwarzenegger has already proposed going back to the well to *double* the redistricting budget,

spending MILLIONS MORE DOLLARS to draw lines for politicians while the state is facing a

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Exhibit A

\$19 billion deficit.

AND NOW WITH PROP 20, MUNGER JUNIOR WANTS TO MAKE THIS
WASTEFUL BUREAUCRACY SPRAWL EVEN FURTHER AT THE EXTRA
EXPENSE OF YOU, THE TAXPAYER.

NO ON PROPOSITION 20 - IT MANDATES JIM CROW ECONOMIC DISTRICTS:

Proposition 20 turns back the clock on redistricting law. Inexplicably, Proposition 20 mandates that all districts (including Assembly, Senate, and Congress) must be segregated by income level. This pernicious Prop 20 mandates that all districts be segregated according to "similar living standards" and that districts include only people "with similar work opportunities."

"Prop 20 is insulting to all Californians. Jim Crow districts are a thing of the past. 20 sets back the clock on redistricting law. No on 20."

--Julian Bond, Chairman Emeritus,

NAACP

Jim Crow districts are a throwback to an awful bygone era. Districting by race, by class, by

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lifestyle or by wealth is unacceptable. Munger Junior may not want to live in the same district as his chauffeur, but Californians understand these code words. The days of "country club members only" districts or of "poor people only" districts are over. NO ON PROP 20 -- all Californians MUST be treated equally.

OUR DEMOCRATIC REPUBLIC IS NOT A TOY TO BE PLAYED WITH FOR THE SELF-AGGRANDIZEMENT OF THE IDLE SECOND-GENERATION RICH.

NO ON 20, YES ON 27.

Daniel H. Lowenstein, Founding Chairman

CALIFORNIA FAIR POLITICAL PRACTICES COMMISSION

Aubry L. Stone, President

CALIFORNIA BLACK CHAMBER OF COMMERCE

Carl Pope, Chairman

SIERRA CLUB

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ARGUMENT IN FAVOR OF PROP. 27

Non-partisan experts have concluded that YES ON PROP 27 Saves
~~Read the ballot to see what the non-partisan experts say about YES ON PROP 27:~~ taxpayer dollars:

"Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local government: Likely DECREASE IN STATE REDISTRICTING COSTS TOTALING SEVERAL MILLION DOLLARS EVERY TEN YEARS."

YES ON 27, the Fiscal Accountability in Redistricting Act (FAIR). 27 will save taxpayers millions of dollars and put an end to Arnold Schwarzenegger's political reapportionment games.

In 2005, Arnold Schwarzenegger wasted nearly 39 million taxpayer dollars to call a Special Election primarily to pass his so-called redistricting reform, Proposition 77, which the voters rejected by a 60 to 40 percent margin.

In 2008, Schwarzenegger raised and spent 16 million special-interest dollars to barely pass an obtuse bureaucratic Commission to take the power of redistricting from those who are accountable to the people and give it to a faceless group of amateurs WHO CAN MAKE UP TO \$1 MILLION DOLLARS FROM CALIFORNIA TAXPAYERS IN CUMULATIVE SALARY. YES ON 27 is a chance for the voters of California to say "enough is enough." GOVERNOR, YOU MAY MEAN WELL, but no more money should be wasted on your nonsense games of reapportionment.

Governor, OUR STATE IS BANKRUPT, UNEMPLOYMENT IS OVER 12%, OUR LUSH BREADBASKET OF THE CENTRAL VALLEY IS WITHOUT WATER, EVERYTHING IS MESSED UP. Yet you still obsess on the political game of reapportionment?

Look at the mess we have with Schwarzenegger's plan, the law following his 2008 proposition.

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EXHIBIT B

- Under Schwarzenegger's plan, three randomly selected accountants choose the fourteen un-elected commissioners to head a bureaucracy with the power to decide who is to represent us. Unlike the Schwarzenegger plan, YES ON 27 WILL ENSURE THAT THOSE WHO MAKE THE DECISIONS ARE ACCOUNTABLE TO THE VOTERS. 27 IS THE ONLY REFORM PROPOSAL WITH ACCOUNTABILITY.

- Under Schwarzenegger's plan, voters can be denied the right to pass a referendum against unfair Congressional district gerrymanders. A referendum means that we, the voters, have a right to say "no" to the Legislature and "no" to a statute with which we disagree. Unlike the Schwarzenegger plan, YES ON 27 ENSURES THAT VOTERS WILL HAVE THE RIGHT TO CHALLENGE ANY REDISTRICTING PLAN (INCLUDING THE CONGRESSIONAL PLAN). VOTERS SHOULD ALWAYS HAVE THE FINAL VOICE.

- Under Schwarzenegger's plan, some people can count more than others -- one district could have almost a million more people than another. There is a reason why, for centuries, districts like that have been called ROTTEN BOROUGHES. This practice must be stopped. Unlike the Schwarzenegger plan, YES ON 27 will ensure that all districts are precisely the same size and that every person counts equally.

Governor Schwarzenegger, what are you thinking? ~~Read the ballot to see what the non-partisan experts say about 27.~~

*Non-partisan experts have concluded
that YES ON PROP 27 saves
taxpayer dollars:*

"Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact

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on state and local government: Likely DECREASE IN STATE REDISTRICTING
COSTS TOTALING SEVERAL MILLION DOLLARS EVERY TEN YEARS."

Let's stop wasting taxpayer dollars. Let's end the political reapportionment games. YES ON
PROPOSITION 27!

Daniel H. Lowenstein, Founding Chairman
California Fair Political Practices Commission

Hank Lacayo, President
Congress of California Seniors

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REBUTTAL TO ARGUMENT AGAINST PROPOSITION 27

Current redistricting law wastes millions of taxpayer dollars and gives another unaccountable bureaucracy overwhelming power. VOTE YES ON 27 TO SAVE TAXPAYER DOLLARS AND TO END NONSENSE REAPPORTIONMENT GAMES.

No matter how many false and misleading statements are made by the opponents of this reform, FOUR facts are unambiguously true:

- FWL mmy*
- 1) Proposition 27 saves taxpayer dollars. *Non-partisan experts have concluded that YES ON*
~~non-partisan experts say about YES ON PROP 27:~~ *PROP 27 saves taxpayer dollars.*

"Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local government: LIKELY DECREASE IN STATE REDISTRICTING COSTS TOTALING SEVERAL MILLION DOLLARS EVERY TEN YEARS."

- 2) Proposition 27 empowers voters. In 2001, the politicians in the State Legislature conspired to stop the voters from exercising their right to say "no" to a redistricting statute. Prop 27 prohibits the State Legislature from preventing a referendum on the ballot that would reject a Congressional redistricting.
- 3) Proposition 27 mandates one person, one vote districts. Current law allows population variations of as much as 1,000,000 people per district!
- 4) NOT A SINGLE MEMBER OF THE LEGISLATURE HAD ANY SAY ON HOW PROPOSITION 27 WAS WRITTEN. No wonder Prop 27 has the

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EXHIBIT C

strongest controls on the costs and the integrity of the process.

California is in crisis. We are broke, deeply in debt, unemployment is far too high, our environment is deteriorating. Proposition 27 is the chance for voters to say "Enough is enough! Stop wasting taxpayer dollars on nonsense." Vote Yes on 27.

Mark Murray
Executive Director
Californians Against Waste

Daniel H. Lowenstein
Founding Chairman
California Fair Political Practices Commission

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